

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

MICHELLE DAWN MURPHY,)
Plaintiff,)
)
v.) 15 CV-528 GKF-PJC
)
)
THE CITY OF TULSA, *et. al.*)

**DISMISSAL WITHOUT PREJUDICE OF DEFENDANTS
IN THEIR PERSONAL CAPACITY ONLY**

The Plaintiff, through counsel, and pursuant to Fed. Rules Civ. Proc. Rule 41(a)(1)(A) hereby dismisses without prejudice as a matter of right police officers, Cook, Noordyke, Allen, Smith, and Otterstrom and criminalists Ann Morris, Ann Reed, Tara Valouch and David Sugiyama. This dismissal is strictly limited to these defendants **in their personal capacity only**. As averred in ¶¶ 26-28 of the *Complaint*, the City of Tulsa is responsible for these defendants in their official capacity. See also *Pietrowski v. Town of Dibble*, 134 F.3d 1006, 1009 (10th Cir.1998)(“[a]n action against a person in his official capacity is, in reality, an action against the government entity for whom the person works”).

Respectfully submitted to the Court and delivered to:

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As of October 30, 2015, by

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